THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.1093 of 2002

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Dated:22.11.2005

Between:

Gubbala Satyanarayana Murthy, S/o.Narayana Murthy,
H.No.70-19-96,Godarigunta, New Colony,
Sureshnagar ,Kakinada-3, E.G.District, and others.

..... PETITIONERS

AND

The Superintendent of Police,
Kakinada, E.G.District, and others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.1093 of 2002

ORDER:

The petitioners are residents of L.Gannavaram Village of P.Gannavaram Mandal of East Godavari District. They are statedly owners of land in Survey Nos.3/9, 121/10, 122/2 and 123/8 admeasuring various extents of land. They allege that respondent Nos.6 and 7 herein started digging pits and cut eight coconut trees for laying road without following due process of law. Therefore, they seek a writ of Mandamus declaring the action of the respondents in laying of the road and destroying the coconut garden as illegal and arbitrary. They also seek a consequential direction to respondent Nos.1 to 5 to protect the above properties of the petitioners.

This Court while admitting the writ petition passed interim orders on 24.01.2002 in W.P.M.P.No.1250 of 2002 directing respondent Nos.6 and 7 not to lay road in the petitioners' land or otherwise interfere with the petitioners' possession of the lands.

The Mandal Revenue Officer has filed a counter affidavit stating that though the lands in question are wet lands, from times immemorial a part of the lands was being used as passage by the villagers and that the petitioners never objected. The allegation that the respondents are laying down the road is however denied.

Therefore, the Writ Petition is disposed of in terms of the interim order. It is further observed that in case the petitioners' land is required for laying down the road, respondents have to necessarily follow the procedure in accordance with law. No costs.

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(V.V.S.RAO, J)

22.11.2005

vs